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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
09/506,224	02/17/2000	Masashi Shiraishi	5267-49DIV	6828

7590

10/05/2004

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EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance  
With 37 CFR 1.192(c)**

Application No.

09/506,224

Applicant(s)

SHIRAIISHI ET AL.

Examiner

A. Dexter Tugbang

Art Unit

3729

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

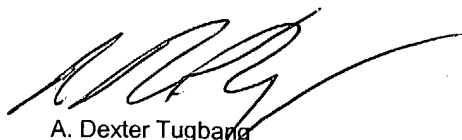
The Appeal Brief filed on 07 May 2004 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☒ A single ground of rejection has been applied to two or more claims in this application, and
  - (a) ☒ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

Regarding Item 6 above, the brief omits the statement that one or more claims do not stand or fall together, yet presents arguments in support of three separate issues. The statement under the section of "Grouping of Claims", does not agree with the statements under the sections of both the "Issues" and "Arguments". Applicants appear to be relying on one, single group as to which claims stand or fall together whereas there appears to be three separate groups of claims that stand or fall together. Under the section of "Grouping of Claims", it appears that the statement should be:

- 1) Group I - Claims 13, 14, 17 and 18 stand or fall together;
- 2) Group II - Claims 13, 14, 16-18, 24, 25, 27 and 28 stand or fall together; and
- 3) Group III - Claims 15 and 26 stand or fall together.

  
A. Dexter Tugbang  
Primary Examiner  
Art Unit: 3729